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CP 98/1
29/0

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

WRIT PETITION NO. 1758 OF 1995

Devenand Badwani aged 41 yrs,
S/o late Shri Gulabmal Badwani
r/o Fafadih, Raipur
Distt. Raipur (MP)

...PETITIONER

VERSUS

1. ✓ State of M.P.
Mineral Resources,
Department of Vallabh Bhawan
Bhopal.
- S 2. ✓ The Commissioner,
Raipur Division,
Raipur.
- S 3. The Collector (Mining Section)
Durg (MP)
- S 4. ✓ The Mining Officer,
Durg (MP)

...RESPONDENTS.

PETITION UNDER ARTICLE 226 & 227 OF THE
CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 1758/95 सन् 200-

..... विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>2-8-2005</u> Mr. Yogesh Pandey, counsel for the petitioner. Mr. N.K. Agrawal, Deputy Advocate General with Mr. Parag Kotecha, Panel Lawyer for the State/respondents. Heard. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, questioning the legality, propriety and correctness of order dated 9-12-1994, whereby a fine of Rs.16,000/- has been imposed upon the petitioner for not furnishing monthly statement and for non-submission of record regarding mining activities as required under Rule 25 (1) (xvi) of the Madhya Pradesh Minor Mineral Rules, 1961, and also order dated 28-3-1995 passed by the Commissioner, Raipur Division, Raipur, whereby the appeal filed by the petitioner was dismissed. The only challenge raised by learned counsel for the petitioner is that in similar case, the Collector has imposed a fine of Rs.1,000/- vide order dated 6/7-6-1994, whereas, disproportionately such a high amount of fine has been imposed upon the petitioner. I have perused both the orders. In order dated 6/7-6-1994 for violation of the same rule i.e. Rule 25 (1) (xvi) of the Madhya Pradesh Minor Mineral Rules, 1961, only Rs.1,000/- has been imposed. Therefore, in view of the above facts and looking to the	

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सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
he Soma	business of the petitioner that he is engaged in manufacturing of bricks, it would be just and proper to reduce the fine amount to Rs.5,000/-. In the result, the writ petition is partly allowed and fine amount of Rs.16,000/- imposed upon the petitioner is reduced to fine of Rs.5,000/-. Parties are entitled for certified copy of this order.	Sd/- L.C.BHADOO Judge